

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission	:	
On Its Own Motion	:	
	:	
vs	:	
	:	Docket 06-0028
ACN Communication Services, Inc.;	:	
Bell Atlantic Communications, Inc.	:	
d/b/a Verizon Long Distance;	:	
Cellco Partnership d/b/a Verizon	:	
Wireless	:	
Comcast Phone of Illinois, LLC d/b/a	:	
Comcast Digital Phone;	:	
Forte Communications, Inc.;	:	
IQ TELECOM, INC.;	:	
MCI Communications Services, Inc.;	:	
MCImetro Access Transmission	:	
Services, Inc.;	:	
McLeodUSA Telecommunications	:	
Services, Inc.;	:	
RCN Telecom Services of Illinois, LLC;	:	
Sage Telecom, Inc.;	:	
Sprint Communications L.P. d/b/a	:	
Sprint Communications Company L.P.;	:	
Talk America Inc.;	:	
TDS Metrocom, LLC; and	:	
Trinsic Communications, Inc.	:	
	:	
Collection of information relative to the	:	
tariff filings by Illinois Bell Telephone	:	
Company reclassifying certain	:	
services as competitive	:	
	:	

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**RESPONSE OF CIMCO COMMUNICATIONS, INC. TO THE ILLINOIS  
COMMERCE COMMISSION STAFF'S  
MOTION TO JOIN ADDITIONAL PARTIES**

Pursuant to 83 Illinois Administrative Code Section 200.190, CIMCO Communications, Inc. (“CIMCO”), through its attorneys, files this response to the February 2, 2006 Motion of the Illinois Commerce Commission (“ICC”) Staff to Join Additional Parties (“Motion”). Staff’s Motion seeks to add various Illinois CLECs as necessary parties, including CIMCO. For the reasons stated below, Staff’s request with respect to CIMCO should be denied.

Staff’s Motion relies on AT&T Exhibit 1.0 schedule WKW-6 in ICC Docket 06-0027 and AT&T’s assertion that CIMCO is “providing residential local service on a measured basis.” Because AT&T claims that other CLECs providing this service do so only on a grandfathered basis, AT&T concludes that CIMCO will provide one of only two competitive alternatives (the other being ATX) on a going forward basis. The theory appears to be that if these carriers did provide residential service this would have some impact on the analysis AT&T provides relative to competition in the Chicago LATA. However, as a factual matter Staff’s assumption is mistaken with respect to CIMCO because CIMCO only markets and provisions business services to its customers. The customers served are large institutions such as public hospitals and local government facilities.

Although CIMCO provides only business service, it believes that a few of its business customers have requested telecommunications circuits that terminate at a residential address in addition to the circuits being provided at their business addresses. In those rare cases, CIMCO still charges under its business tariffs, not under residential tariffs.

The basis of AT&T's data is unclear, but it is possible that AT&T relies on a CIMCO tariff that is currently under review. CIMCO is in the process of reviewing its various tariffs and to the extent any do refer to the provision of service to residential customers those tariffs will be withdrawn. CIMCO does not actively market services to residential customers. The only marketing the company conducts relates to the provision of services to business customers.

CIMCO does not dispute Staff's assertion that Joinder of parties is provided for in Section 200.190(a) of the Rules of Procedure, which permits parties to move for addition of necessary parties pursuant to 83 Ill. Admin. Code §200.190(a). Nor does it dispute the meaning of the Illinois Code of Civil Procedure relative to "person[s] ... [respondent] ... whom it is necessary to make a party for the complete determination ... of any question involved therein." 735 ILCS 5/2- 405(a). However, CIMCO does not believe it "is a party necessary for the complete determination of the questions at issue" The market CIMCO serves is in the provision of business services and not services to residential end users. Therefore, because CIMCO is not a necessary party to this proceeding, CIMCO respectfully requests that the Administrative Law Judge deny Staff's Motion with respect to CIMCO.

Dated: February 9, 2006

CIMCO Communications, Inc.

s/ Thomas H. Rowland

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**CERTIFICATE OF SERVICE**

I, Kevin D. Rhoda, an attorney, certify that I served a copy of the Response of CIMCO Communications, Inc. to Staff's Motion to Join Parties to all parties on the attached service list via e-mail on February 9, 2006.

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